

LAW OFFICE OF MARTIN STANLEY
Martin Louis Stanley [State Bar No. 102413]
100 Wilshire Blvd, Suite 700
Santa Monica, CA 90401
Telephone: (310) 399-2555
Facsimile: (310) 917-1001

BARRETT LAW OFFICE
Edmont T Barrett [State Bar No. 74117]
P.O. Box 607
Diamond Springs, CA 95619
Telephone: (530) 642-8468
Facsimile: (530) 653-2449

Attorneys for *Plaintiff*, MARCO MILLA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARCO MILLA an individual,

Plaintiff,

vs.

CITY OF LOS ANGELES a municipal
entity; LOS ANGELES POLICE
DEPARTMENT, a municipal entity;
COUNTY OF LOS ANGELES,
DETECTIVE R. ULLEY AND
DETECTIVE J. VANDER HORCK, and
DOES 1 through 100, inclusive,

Defendants.

Case No. CV-00134-FWS-MRW
Hon. Judge Fred W. Slaughter
Hon. Magistrate Judge Michael R. Wilner

**PLAINTIFF MARCO MILLA'S
AMENDED MOTION IN LIMINE NO.
1 TO EXCLUDE EVIDENCE OF
IRRELEVANT MATTERS RAISED
AT PLAINTIFF'S DEPOSITION**

Trial

Date: 05/16/2023
Time: 08:30 AM
Courtroom: 10D, Santa Ana

Pre-Trial Conference

Date: 05/05/2023
Time: 09:00 AM
Courtroom: 10D, Santa Ana

1 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF
2 RECORD:

3
4 PLEASE TAKE NOTICE that on May 16, 2023, at 8:30 a.m. before the Honorable
5 Fred W. Slaughter in Courtroom 10D in the above-entitled Courthouse, Plaintiff
6 MARCO MILLA ("Plaintiff MILLA") by and through his counsel Martin Stanley of the
7 Law Offices of Martin Stanley, hereby moves this Court for an *in limine* ruling to exclude
8 evidence of irrelevant matters that Defendants raised at the time of Plaintiff MILLA's
9 deposition in this case on December 22, 2016.
10

11
12 This Motion is made on the grounds that the matters described below are
13 potentially immaterial, irrelevant, and inadmissible pursuant to Federal Rules of Evidence
14 ("FRE"), Rule 402. Further, to the extent that the matters described below are tangentially
15 relevant to the claims in this case, such matters should be excluded under FRE Rule 403.
16
17 The following matters would be improper and prejudicial if made known to the jury, even
18 if the Court were to sustain an objection and instruct the jury not to consider such facts
19 for any purpose. The probable impact of ordering the jury to disregard interrogation,
20 comments, or offers in front of the jury would not cure such prejudice, but rather
21 reinforce the impact of such prejudicial matters on the minds of the Jurors.
22
23

24
25 This Motion is based on the supporting Memorandum of Points and Authorities,
26 the pleadings and papers on file in this action, and upon such of the argument and
27 evidence as may be presented prior to or at the hearing of this matter. Plaintiff MILLA's
28

1 counsel complied with Local Rule 7-3 by meeting and conferring with Defendants'
2 counsel regarding this Motion in Limine.
3
4

5 DATED: April 13, 2023

Respectfully submitted,
LAW OFFICES OF MARTIN STANLEY

7 By: /s/ Martin Stanley
8 MARTIN STANLEY, ESQ.
9 Attorneys for Plaintiff MARCO MILLA
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

This case is about the wrongful incarceration of an innocent man, Plaintiff MILLA, who was imprisoned for more than 12 years and 8 months for a murder and five attempted murders he did not commit. In this civil action, Plaintiff MILLA alleges a Title 42 U.S.C., Section 1983 claim against Defendants.

Defendants took the deposition of Plaintiff MILLA on December 22, 2016. Defendants' counsel asked Plaintiff MILLA questions inquiring into multiple areas that are irrelevant to this case and are inadmissible under FRE Rule 402. Irrelevant evidence is not admissible. Further, to the extent that the matters described below are tangentially relevant to the claims in this case, such matters should be excluded under FRE, Rule 403 given the probative value of these matters is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, and wasting time. Notwithstanding the fact that such topics have no tendency to make a fact more or less probable and are of no consequence to determining the action, Defendants' counsel inquired into the following areas with Plaintiff MILLA:

1. Plaintiff's relationship with Sandra Villalobos and her daughter Mariah, and the pending family law proceeding involving Plaintiff MILLA, Sandra Villalobos, and Mariah. (Plaintiff's Deposition Transcript, 13-14). Such information has absolutely no bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further, such information is not relevant to determining the

1 cause or extent of Plaintiff MILLA's damages suffered in this case and should be
2 excluded as hearsay, and per FRE 402 and 403.

- 3
- 4 2. Plaintiff's MILLA's former street name was "Drifter". (Plaintiff's Deposition
5 Transcript, page 21.) Such information has absolutely no bearing regarding
6 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
7 It is irrelevant as to probable cause. Further such information is not relevant to
8 determining the cause or extent of Plaintiff MILLA's damages suffered in this case
9 and should be excluded as hearsay, and per FRE 402 and 403.
- 10
- 11
- 12 3. The identities of the individuals from 204th Street that Plaintiff sees on occasion at
13 this time. (Plaintiff's Deposition Transcript, page 22.) This information is
14 irrelevant, highly prejudicial and inadmissible character evidence. Such
15 information has absolutely no bearing regarding Plaintiff MILLA's claims under
16 Title 42 U.S.C. Section 1983 against Defendants. Further, such information is not
17 relevant to determining the cause or extent of Plaintiff MILLA's damages suffered
18 in this case, and should be excluded as hearsay, and per FRE 402 and 403.
- 19
- 20
- 21
- 22 4. Plaintiff MILLA's listed weight of 187 pounds at the time of his arrest in the
23 underlying criminal case being the same number as California Penal Code, Section
24 187. (Plaintiff's Deposition Transcript, pages 32-34.) This information is
25 irrelevant, and invites the jury to make highly speculative and highly prejudicial
26 inferences and would be inadmissible character evidence. Such information has
27
28

1 absolutely no bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C.
2 Section 1983 against Defendants. Plaintiff actually weight about that weight at the
3 time he obtained his license. Further, such information is not relevant to
4 determining the cause or extent of Plaintiff MILLA's damages suffered in this
5 case, and should be excluded as hearsay, and per FRE 402 and 403.
6
7

8 5. Plaintiff's current weight and exercise regimen of kickboxing. (Plaintiff's
9 Deposition Transcript, 35) Such information has absolutely no bearing regarding
10 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
11 Further, such information is not relevant to determining the cause or extent of
12 Plaintiff MILLA's damages suffered in this case, and should be excluded as
13 hearsay, and per FRE 402 and 403.
14
15

16 6. The location of Plaintiff MILLA's high school and post-high school camp.
17 (Plaintiff's Deposition Transcript, 48-49). His one juvenile conviction for gun
18 possession at age 11 or his probation are highly prejudicial and not relevant to
19 probable cause. It would be used improperly as character evidence and is remote
20 under FRE 609(b). Such information has absolutely no bearing regarding Plaintiff
21 MJLLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further,
22 such information is not relevant to determining the cause or extent of Plaintiff
23 MILLA's damages suffered in this case, and should be excluded as hearsay, and per
24 FRE 402 and 403.
25
26
27
28

- 1 7. Plaintiff MILLA's reading level. Plaintiff's Deposition Transcript, 49-50). Such
2 information has absolutely no bearing regarding Plaintiff MILLA's claims under
3 Title 42 U.S.C. Section 1983 against Defendants. Further, such information is not
4 relevant to determining the cause or extent of Plaintiff MILLA's damages suffered
5 in this case, and should be excluded as hearsay, and per FRE 402 and 403.
6
7 8. Plaintiff MILLA's tattoos. (Plaintiff's Deposition Transcript, 51-55 & 158-159).
8 Such information has absolutely no bearing regarding Plaintiff MILLA's claims
9 under Title 42 U.S.C. Section 1983 against Defendants. MILLA's head tattoo was
10 made after the offense in the underlying case herein. His body tattoos are
11 irrelevant to probable cause. This evidence is highly prejudicial and would be
12 improperly used as inadmissible character evidence. Further, such information is
13 not relevant to determining the cause or extent of Plaintiff MILLA's damages
14 suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.
15
16 9. The contents of Plaintiff MILLA's C-File in prison. (Plaintiffs Deposition
17 Transcript, page 90). Such information has absolutely no bearing regarding
18 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendant. It
19 is not relevant to probable cause. It is highly prejudicial and would be improperly
20 used as inadmissible character evidence. Further, such information is not relevant
21 to determining the cause or extent of Plaintiff MILLA's damages suffered in this
22 case, and should be excluded as hearsay, and per FRE 402 and 403.
23
24
25
26
27
28

- 1 10. Plaintiff MILLA 's disciplinary history in County Jail. (Plaintiff's Deposition
2 Transcript, 97-98). Such information has absolutely no bearing regarding Plaintiff
3 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. It is
4 irrelevant to probable cause, it is highly prejudicial and would be improperly used
5 as inadmissible character evidence. Further, such information is not relevant to
6 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,
7 and should be excluded as hearsay, and per FRE 402 and 403.
8
9
10
11 11. Plaintiff MILLA's disciplinary history in prison. (Plaintiffs Deposition Transcript,
12 98- 100). Such information has absolutely no bearing regarding Plaintiff MILLA's
13 claims under Title 42 U.S.C. Section 1983 against Defendants. It is irrelevant to
14 probable cause, it is highly prejudicial and would be improperly used as
15 inadmissible character evidence. Further, such information is not relevant to
16 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,
17 and should be excluded as hearsay, and per FRE 402 and 403.
18
19
20
21 12. Plaintiff MILLA's occasional use of marijuana, heroin, pruno, and alcohol while in
22 prison and any such use since. (Plaintiff's Deposition Transcript, page 99-101.)
23 Such information has absolutely no bearing regarding Plaintiff MILLA's claims
24 under Title 42 U.S.C. Section 1983 against Defendants. Further, such information
25 is not relevant to determining the cause or extent of Plaintiff MILLA's damages
26 suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.
27
28

- 1 13. Plaintiff MILLA's belief that Salvador Pimentel was on meth on September 29,
2 2001 or September 30, 2001. (Plaintiff's Deposition Transcript page 101-102.)
3 Such information has absolutely no bearing regarding Plaintiff MILLA's claims
4 under Title 42 U.S.C. Section 1983 against Defendants. Further he lacks personal
5 knowledge of these matters. Further, such information is not relevant to
6 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,
7 and should be excluded as hearsay, and per FRE 402 and 403.
8
9
10
11 14. Plaintiff MILLA's arrest in May 2001 for assault, and which charges were
12 subsequently dropped by the District Attorney's Office. (Plaintiff's Deposition
13 Transcript pages 114-115 and 175.) Such information has absolutely no bearing
14 regarding MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
15 Further, such information is not relevant to determining the cause or extent of
16 Plaintiff MILLA's damages suffered in this case, and should be excluded as
17 hearsay, and per FRE 402 and 403. It is not a relevant prior bad act and is
18 extremely prejudicial.
19
20
21
22 15. Plaintiff MILLA's mother's recommendation that Plaintiff attend "AA" or "NA"
23 (Plaintiff's Deposition Transcript, 127-128.) Such information has absolutely no
24 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983
25 against Defendants. Further he lacks personal knowledge of these matters. Further,
26 such information is not relevant to determining the cause or extent of Plaintiff
27
28

1 MILLA's damages suffered in this case, and should be excluded as hearsay, and
2 per FRE 402 and 403.
3

- 4 16. Plaintiff MILLA's purchase and ownership of two homes. (Plaintiff's Deposition
5 Transcript, page 132.) Such information has absolutely no bearing regarding
6 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
7 Further he lacks personal knowledge of these matters. Further, such information is
8 not relevant to determining the cause or extent of Plaintiff MILLA's damages
9 suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.
10
- 11 17. Plaintiff MILLA's child support proceedings regarding his daughter Ruby Milla.
12 (Plaintiff's Deposition Transcript, page 133.) Such information has absolutely no
13 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983
14 against Defendants. Further he lacks personal knowledge of these matters.
15 Further, such information is not relevant to determining the cause or extent of
16 Plaintiff MILLA's damages suffered in this case, and should be excluded as
17 hearsay, and per FRE 402 and 403.
18
- 19 18. Plaintiff MILLA's compensation from the State of California for wrongful
20 conviction in the amount of \$654,500.00 and his use of these funds. (Plaintiff's
21 Deposition Transcript, page 134-137 & 167.) Such information has absolutely no
22 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983
23 against Defendants. Further he lacks personal knowledge of these matters.
24
25
26
27
28

1 Further, such information is not relevant to determining the cause or extent of
2 Plaintiff MILLA's damages suffered in this case, and should be excluded as
3 hearsay, and per FRE 402 and 403.
4

5 19. Plaintiff MILLA's work history in prison. (Plaintiff's Deposition Transcript, page
6 147-148). Such information has absolutely no bearing regarding Plaintiff MILLA's
7 claims under Title 42 U.S.C. Section 1983 against Defendants. Further, such
8 information is not relevant to determining the cause or extent of Plaintiff MILLA's
9 damages suffered in this case, and should be excluded as hearsay, and per FRE 402
10 and 403.
11
12

13 20. Plaintiff MILLA's arrest history. (Plaintiff's Deposition Transcript, page 152 &
14 158.) Such information has absolutely no bearing regarding Plaintiff MILLA's
15 claims under Title 42 U.S.C. Section 1983 against Defendants. Further he lacks
16 personal knowledge of these matters. Further, such information is not relevant to
17 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,
18 especially since it is an improper use of a claimed prior bad act and is extremely
19 prejudicial, and should be excluded as hearsay, and per FRE 402 and 403.
20
21

22 21. Any items seized from Plaintiff MILLA's home at the time of his arrest, given the
23 admitted lack of connection between any physical evidence found, seized and
24 analyzed to the shooting and Plaintiff MILLA. (Plaintiff's Deposition Transcript,
25 page 154-156.) Such information has absolutely no bearing regarding Plaintiff
26
27
28

1 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further,
2 such information is not relevant to determining the cause or extent of Plaintiff
3
4 MILLA's damages suffered in this case, and should be excluded as hearsay, and
5 per FRE 402 and 403.

6
7 22. Plaintiff MILLA's personal opinion regarding his criminal defense trial attorney
8 Bruce Brown's representation of Plaintiff MILLA at the time of the underlying
9 criminal trial. (Plaintiff's Deposition Transcript, pages 171-174.) Such
10 information has absolutely no bearing regarding Plaintiff MILLA's claims under
11 Title 42 U.S.C. Section 1983 against Defendants. Further he lacks personal
12 knowledge of these matters. Further, such information is not relevant to
13 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,
14 and should be excluded as hearsay, and per FRE 402 and 403, and it is improper
15 lay opinion.
16
17
18
19
20

21 Given the irrelevant and highly prejudicial nature of the topics listed above,
22 Plaintiff MILLA respectfully requests that this Honorable Court issue an *in limine* order
23 to preclude to Defendants, their counsel and their witnesses from mentioning any of these
24 topics at the time of trial.
25

26 ///

27
28 ///

1 DATED: April 13, 2023

Respectfully submitted,
LAW OFFICES OF MARTIN STANLEY

3 By: /s/ Martin Stanley
4 MARTIN STANLEY, ESQ.
5 Attorneys for Plaintiff MARCO MILLA
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF MARTIN STANLEY

I, MARTIN STANLEY, declare:

1. I am an attorney duly licensed to practice law in this Court, attorney of record for Plaintiff MARCO MILLA. The facts herein are of my own personal knowledge, and if sworn I could and would competently testify thereto.
2. Plaintiff hereby moves in limine to preclude any of the following evidence which is highly prejudicial and irrelevant to the triable liability issue in this case (probable cause): Defendants took the deposition of Plaintiff MILLA on December 22, 2016. Defendants' counsel asked Plaintiff MILLA questions inquiring into multiple areas that are irrelevant to this case and are inadmissible under FRE Rule 402. Irrelevant evidence is not admissible. Further, to the extent that the matters described below are tangentially relevant to the claims in this case, such matters should be excluded under FRE, Rule 403 given the probative value of these matters is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, and wasting time. Notwithstanding the fact that such topics have no tendency to make a fact more or less probable and are of no consequence to determining the action, Defendants' counsel inquired into the following areas with Plaintiff MILLA:
 - 1.) Plaintiff's relationship with Sandra Villalobos and her daughter Mariah, and the pending family law proceeding involving Plaintiff MILLA, Sandra

1 Villalobos, and Mariah. (Plaintiff's Deposition Transcript, 13-14). Such
2 information has absolutely no bearing regarding Plaintiff MILL s claims
3 under Title 42 U.S.C. Section 1983 against Defendants. Further, such
4 information is not relevant to determining the cause or extent of Plaintiff
5 MILLA's damages suffered in this case and should be excluded as hearsay,
6 and per FRE 402 and 403.
7

8
9 2.) Plaintiff's MILLA's former street name was "Drifter". (Plaintiff's
10 Deposition Transcript, page 21.) Such information has absolutely no
11 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section
12 1983 against Defendants. It is irrelevant as to probable cause. Further such
13 information is not relevant to determining the cause or extent of Plaintiff
14 MILLA's damages suffered in this case and should be excluded as hearsay,
15 and per FRE 402 and 403.
16
17

18
19 3.) The identities of the individuals from 204th Street that Plaintiff sees on
20 occasion at this time. (Plaintiff's Deposition Transcript, page 22.) This
21 information is irrelevant, highly prejudicial and inadmissible character
22 evidence. Such information has absolutely no bearing regarding Plaintiff
23 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
24 Further, such information is not relevant to determining the cause or extent
25
26
27
28

1 of Plaintiff MILLA's damages suffered in this case, and should be excluded
2 as hearsay, and per FRE 402 and 403.

3
4 4.) Plaintiff MILLA's listed weight of 187 pounds at the time of his arrest in the
5 underlying criminal case being the same number as California Penal Code,
6 Section 187. (Plaintiff's Deposition Transcript, pages 32-34.) This
7 information is irrelevant, and invites the jury to make highly speculative and
8 highly prejudicial inferences and would be inadmissible character evidence.
9 Such information has absolutely no bearing regarding Plaintiff MILLA's
10 claims under Title 42 U.S.C. Section 1983 against Defendants. Plaintiff
11 actually weight about that weight at the time he obtained his license.
12 Further, such information is not relevant to determining the cause or extent
13 of Plaintiff MILLA's damages suffered in this case, and should be excluded
14 as hearsay, and per FRE 402 and 403.

15
16
17
18
19 5.) Plaintiff's current weight and exercise regimen of kickboxing. (Plaintiff's
20 Deposition Transcript, 35) Such information has absolutely no bearing
21 regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983
22 against Defendants. Further, such information is not relevant to determining
23 the cause or extent of Plaintiff MILLA's damages suffered in this case, and
24 should be excluded as hearsay, and per FRE 402 and 403.
25
26
27
28

- 1 6.) The location of Plaintiff MILLA's high school and post-high school camp.
2 (Plaintiff's Deposition Transcript, 48-49). His one juvenile conviction for
3 gun possession at age 11 or his probation are highly prejudicial and not
4 relevant to probable cause. It would be used improperly as character
5 evidence and is remote under FRE 609(b). Such information has absolutely
6 no bearing regarding Plaintiff MJLLA's claims under Title 42 U.S.C.
7 Section 1983 against Defendants. Further, such information is not relevant to
8 determining the cause or extent of Plaintiff MILLA's damages suffered in
9 this case, and should be excluded as hearsay, and per FRE 402 and 403.
10 7.) Plaintiff MILLA's reading level. Plaintiff's Deposition Transcript, 49-50).
11 Such information has absolutely no bearing regarding Plaintiff MILLA's
12 claims under Title 42 U.S.C. Section 1983 against Defendants. Further,
13 such information is not relevant to determining the cause or extent of
14 Plaintiff MILLA's damages suffered in this case, and should be excluded as
15 hearsay, and per FRE 402 and 403.
16 8.) Plaintiff MILLA's tattoos. (Plaintiff's Deposition Transcript, 51-55 & 158-
17 159). Such information has absolutely no bearing regarding Plaintiff
18 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
19 MILLA's head tattoo was made after the offense in the underlying case
20 herein. His body tattoos are irrelevant to probable cause. This evidence is
21
22
23
24
25
26
27
28

1 highly prejudicial and would be improperly used as inadmissible character
2 evidence. Further, such information is not relevant to determining the cause
3 or extent of Plaintiff MILLA 's damages suffered in this case, and should be
4 excluded as hearsay, and per FRE 402 and 403.
5

6
7 9.) The contents of Plaintiff MILLA 's C-File in prison. (Plaintiffs Deposition
8 Transcript, page 90). Such information has absolutely no bearing regarding
9 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against
10 Defendant. It is not relevant to probable cause. It is highly prejudicial and
11 would be improperly used as inadmissible character evidence. Further, such
12 information is not relevant to determining the cause or extent of Plaintiff
13 MILLA's damages suffered in this case, and should be excluded as hearsay,
14 and per FRE 402 and 403.
15
16
17

18 10.) Plaintiff MILLA 's disciplinary history in County Jail. (Plaintiff's Deposition
19 Transcript, 97-98). Such information has absolutely no bearing regarding
20 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against
21 Defendants. It is irrelevant to probable cause, it is highly prejudicial and
22 would be improperly used as inadmissible character evidence. Further, such
23 information is not relevant to determining the cause or extent of Plaintiff
24 MILLA's damages suffered in this case, and should be excluded as hearsay,
25 and per FRE 402 and 403.
26
27
28

1 11.) Plaintiff MILLA's disciplinary history in prison. (Plaintiffs Deposition
2 Transcript, 98- 100). Such information has absolutely no bearing regarding
3 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against
4 Defendants. It is irrelevant to probable cause, it is highly prejudicial and
5 would be improperly used as inadmissible character evidence. Further, such
6 information is not relevant to determining the cause or extent of Plaintiff
7 MILLA's damages suffered in this case, and should be excluded as hearsay,
8 and per FRE 402 and 403.
9

10
11
12 12.) Plaintiff MILLA's occasional use of marijuana, heroin, pruno, and alcohol
13 while in prison and any such use since. (Plaintiff's Deposition Transcript,
14 page 99-101.) Such information has absolutely no bearing regarding
15 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against
16 Defendants. Further, such information is not relevant to determining the
17 cause or extent of Plaintiff MILLA's damages suffered in this case, and
18 should be excluded as hearsay, and per FRE 402 and 403.
19
20
21

22 13.) Plaintiff MILLA's belief that Salvador Pimentel was on meth on September
23 29, 2001 or September 30, 2001. (Plaintiff's Deposition Transcript page
24 101-102.) Such information has absolutely no bearing regarding Plaintiff
25 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
26 Further he lacks personal knowledge of these matters. Further, such
27
28

1 information is not relevant to determining the cause or extent of Plaintiff
2 MILLA's damages suffered in this case, and should be excluded as hearsay,
3 and per FRE 402 and 403.
4

5 14.) Plaintiff MILLA's arrest in May 2001 for assault, and which charges were
6 subsequently dropped by the District Attorney's Office. (Plaintiff's
7 Deposition Transcript pages 114-115 and 175.) Such information has
8 absolutely no bearing regarding MILLA's claims under Title 42 U.S.C.
9 Section 1983 against Defendants. Further, such information is not relevant
10 to determining the cause or extent of Plaintiff MILLA's damages suffered in
11 this case, and should be excluded as hearsay, and per FRE 402 and 403. It is
12 not a relevant prior bad act and is extremely prejudicial.
13
14

15 15.) Plaintiff MILLA's mother's recommendation that Plaintiff attend "AA" or
16 "NA" (Plaintiff's Deposition Transcript, 127-128.) Such information has
17 absolutely no bearing regarding Plaintiff MILLA's claims under Title 42
18 U.S.C. Section 1983 against Defendants. Further he lacks personal
19 knowledge of these matters. Further, such information is not relevant to
20 determining the cause or extent of Plaintiff MILLA's damages suffered in
21 this case, and should be excluded as hearsay, and per FRE 402 and 403.
22
23

24 16.) Plaintiff MILLA's purchase and ownership of two homes. (Plaintiff's
25 Deposition Transcript, page 132.) Such information has absolutely no
26
27
28

1 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section
2 1983 against Defendants. Further he lacks personal knowledge of these
3 matters. Further, such information is not relevant to determining the cause
4 or extent of Plaintiff MILLA's damages suffered in this case, and should be
5 excluded as hearsay, and per FRE 402 and 403.
6
7

8 17.) Plaintiff MILLA's child support proceedings regarding his daughter Ruby
9 Milla. (Plaintiff's Deposition Transcript, page 133.) Such information has
10 absolutely no bearing regarding Plaintiff MILLA's claims under Title 42
11 U.S.C. Section 1983 against Defendants. Further he lacks personal
12 knowledge of these matters. Further, such information is not relevant to
13 determining the cause or extent of Plaintiff MILLA's damages suffered in
14 this case, and should be excluded as hearsay, and per FRE 402 and 403.
15
16
17

18 18.) Plaintiff MILLA's compensation from the State of California for wrongful
19 conviction in the amount of \$654,500.00 and his use of these funds.
20 (Plaintiff's Deposition Transcript, page 134-137 & 167.) Such information
21 has absolutely no bearing regarding Plaintiff MILLA's claims under Title 42
22 U.S.C. Section 1983 against Defendants. Further he lacks personal
23 knowledge of these matters. Further, such information is not relevant to
24 determining the cause or extent of Plaintiff MILLA's damages suffered in
25 this case, and should be excluded as hearsay, and per FRE 402 and 403.
26
27
28

1 19.) Plaintiff MILLA's work history in prison. (Plaintiff's Deposition Transcript,
2 page 147-148). Such information has absolutely no bearing regarding
3 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against
4 Defendants. Further, such information is not relevant to determining the
5 cause or extent of Plaintiff MILLA's damages suffered in this case, and
6 should be excluded as hearsay, and per FRE 402 and 403.
7

8
9 20.) Plaintiff MILLA's arrest history. (Plaintiff's Deposition Transcript, page
10 152 & 158.) Such information has absolutely no bearing regarding Plaintiff
11 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.
12 Further he lacks personal knowledge of these matters. Further, such
13 information is not relevant to determining the cause or extent of Plaintiff
14 MILLA's damages suffered in this case, especially since it is an improper
15 use of a claimed prior bad act and is extremely prejudicial, and should be
16 excluded as hearsay, and per FRE 402 and 403.
17

18
19 21.) Any items seized from Plaintiff MILLA's home at the time of his arrest,
20 given the admitted lack of connection between any physical evidence found,
21 seized and analyzed to the shooting and Plaintiff MILLA. (Plaintiff's
22 Deposition Transcript, page 154-156.) Such information has absolutely no
23 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section
24 1983 against Defendants. Further, such information is not relevant to
25
26
27
28

determining the cause or extent of Plaintiff MILLA's damages suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.

22.) Plaintiff MILLA's personal opinion regarding his criminal defense trial attorney Bruce Brown's representation of Plaintiff MILLA at the time of the underlying criminal trial. (Plaintiff's Deposition Transcript, pages 171-174.) Such information has absolutely no bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further he lacks personal knowledge of these matters. Further, such information is not relevant to determining the cause or extent of Plaintiff MILLA's damages suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403, and it is improper lay opinion.

Given the irrelevant and highly prejudicial nature of the topics listed above, Plaintiff MILLA respectfully requests that this Honorable Court issue an *in limine* order to preclude to Defendants, their counsel and their witnesses from mentioning any of these topics at the time of trial.

Finally, counsel have thoroughly met and conferred on this issue. Besides discussing this issue with defense counsel, among other things, on April 11, 2023, 2 days prior to filing, plaintiff's counsel emailed this motion in limine to defense counsel asking that he review it and respond as to whether he would agree to it or not.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was executed on April 13, 2023, at
3 Santa Monica, California.
4

5
6 By: _____/s/ MARTIN STANLEY_____
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 Wilshire Blvd, Suite 700, Santa Monica, California 90401.

On **April 13, 2023**, I served the foregoing document(s) on the interested parties in this action by email as follows:

Attorney for Defendants:

KEVIN GILBERT

Email: kgilbert@ohhlegal.com

BY ELECTRONIC DELIVERY DUE TO COVID-19

☒ STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **April 13, 2023**, at Santa Monica, California

/s/ MARTIN STANLEY

Martin Stanley